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<b>East Area Planning Sub Committee</b>	9 <sup>th</sup> August 2012
<b>West and City Centre Area Planning Sub Committee</b>	16 <sup>th</sup> August 2012
<b>Planning Committee</b>	23 <sup>rd</sup> August 2012

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> April to 30<sup>th</sup> June 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to (and usually above) the national average for a number of years.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st July 2011 and 30<sup>th</sup> June 2012, and 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

**Fig 1: Appeals Decided by the Planning Inspectorate To 30<sup>th</sup> June 2012 in Quarter and 12 month Period**

	1/4/12 to 30/6/12 (Last Quarter)			1/7/11 to 30/6/12 ( Last 12 months)		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	6	1	7	9	6	15
Part Allowed	1	0	1	1	0	1
Dismissed	4	1	5	16	15	31
Total Decided	11	2	13	26	21	47
<b>% Allowed</b>	<b>54.0</b>	<b>50.0</b>	<b>53.85</b>	<b>34.61</b>	<b>28.57</b>	<b>31.91</b>
% Part Allowed	16.67	0	7.69	3.85	0	2.13
Withdrawn	0	0	0	2	2	4

## Analysis

- 4 The table shows that between 1<sup>st</sup> April and 30<sup>th</sup> June 2012, a total of 13 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 53.85%, this rate of appeals allowed is significantly higher than the 33% national annual average. The appeals that were allowed in the quarter highlighted certain issues
- i) The Council decided the related applications decided prior to the publication of the National Planning Policy Framework. However the appeals were decided following its publication and so the guidance within the Framework was taken into account by the Inspectorate. In particular the lack of a formal local plan and the employment land strategy within the draft Core Strategy were highlighted as issues.
  - ii) In one appeal, the use of conditions to secure contributions towards open space provision was considered contrary to Circular 11/95 related to the use of conditions. It was suggested that a Section 106 legal agreement was the appropriate method for securing financial contributions. Other appeal decisions have accepted the use of the condition, which is constructed to allow financial contributions as one option for provision of a contribution (the other being on or off site land). Nonetheless officers have produced a draft template for a Section 106 Unilateral Obligation for completion by an applicant and to be used as part of the pre-application and application process, which can more readily allow payments to be agreed prior to issue of the planning permission, rather than delay the issue of a consent pending the formulation and completion of full Section 106 Agreements.

- 5 Between 1<sup>st</sup> July 2011 and 30<sup>th</sup> June 2012, CYC performance was 31.91 % allowed, higher than the previously reported 12 month period of 27.08% but still below the national average.
- 6 The summaries of appeals determined since 1<sup>st</sup> April are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, one appeal determined related to applications refused by Committee.

**Figure 2: Appeals Decided against Refusals by Committee 1<sup>st</sup> April to 30th June 2012**

Reference	Site	Proposal	Outcome	Officer Recom.
11/01468/OUT	Arabesque House, Monks Cross Drive	Retail warehouse after demolition of existing offices	Allowed	Refuse
11/02371/FUL	93 Newland Park Drive	Extensions	Allowed	Approve
11/02371/FUL	1 Meam Close	First floor extension	Dismissed	Approve
11/02318/FULM	Plot 6b Great North Way Poppleton	Care Home	Allowed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 26 appeals lodged with the Planning Inspectorate, 9 in the West and City Centre Sub Committee area and 17 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 4 by Informal Hearing (I), 5 by the Householder procedure (H) and 1 by Public Inquiry (P).

### **Consultation**

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

### **Council Plan**

- 9 The report is relevant to the furthering of the Council Plan priorities of Protecting the Environment as it relates to actions taken to safeguard

against unacceptable impacts upon the environment, and to Building Strong Communities through the opposition of development which have an adverse impact within a local area or community.

### Implications

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### Risk Management

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

### Recommendation

- 15 That Members note the content of this report.

### Contact Details

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**Report  
Approved**



**Date** 30<sup>th</sup> July  
2012

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report.**

## **Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> April and 30<sup>th</sup> June 2012**

**Annex B – Outstanding Appeals to 30<sup>th</sup> July 2012**